



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

) Criminal No. 1-14CR-139(GLST)

V.

) Indictment

RICHARD HASTINGS,

) Violations: 18 U.S.C. § 2251(a) & (e)
) [Production of Child
) Pornography]; 18 U.S.C.
) §§ 2252A(a)(5)(B) & (b)(2);
) 2256(8)(A) [Possession of
) Child Pornography]

Defendant.

) County of Offense: Fulton

THE GRAND JURY CHARGES:

COUNT 1
[Production of Child Pornography]

Between on or about June 27, 2013 and on or about July 28, 2013, in Fulton County in the Northern District of New York, the defendant, **RICHARD HASTINGS**, did knowingly employ, use, persuade, induce, and coerce a minor, that is V-1, a child under the age of 18 known to the grand jury, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, that is graphic images where each such visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a) and (e).

COUNT 2
[Possession of Child Pornography]

On or about August 8, 2013, in Fulton County in the Northern District of New York, the defendant, **RICHARD HASTINGS**, did knowingly possess material that contained one or more images of child pornography that had been transported using a means and facility of interstate and foreign commerce and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting such commerce by any means, including by computer, that is **HASTINGS** possessed a Dell Inspiron laptop computer bearing serial number 68KKLT1 containing graphic image files and video files of actual minors engaged in sexually explicit conduct, and such images and videos were obtained by using the Internet, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2256(8)(A). That violation involved images of child pornography involving prepubescent minors and minors who had not attained 12 years of age, in violation of Title 18, United States Code, Section 2252A(b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Two of this Indictment are hereby realleged and incorporated by reference for the purposes of alleging forfeiture, pursuant to Title 18, United States Code, Section 2254.

Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2251 or 2252A, the defendant, **RICHARD HASTINGS**, shall forfeit to the United States of America:

- a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252 or 2252A, and any book, magazine, periodical, film, videotape, and other matter which contains any such visual depiction which was produced,

transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 110;

- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, and any property traceable to such property.

The property to be forfeited includes, but is not limited to, one Dell Inspiron laptop computer bearing serial number 68KKLT1.

If any of the property above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

Dated: April 10, 2014

A TRUE BILL, ***Redacted***

Grand Jury Foreperson

RICHARD S. HARTUNIAN
United States Attorney

By:

Sean O'Dowd
Sean O'Dowd
Assistant United States Attorney
Bar Roll No. 518067